IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 23RD NOVEMBER 2007 / 2ND AGRAHAYANA 1929

RP.No. 1030 of 2007(B) IN W.P.(C).No.29837/2006

REVIEW PETITIONER/PETITIONER:

DR. B.PREMA,
EF7/126, P.T. CHACKO NAGAR,
ULLOOR P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.S.GOPAKUMARAN NAIR

RESPONDENTS/RESPONDENTS:

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1. **THE STATE OF KERALA,**
   REPRESENTED BY THE SECRETARY TO GOVERNMENT HEALTH & FAMILY WELFARE DEPARTMENT,GOVERNMENT SECRETARIAT THIRUVANANTHAPURAM.

2. **THE UNIVERSITY OF KERALA,**
   REPRESENTED BY ITS REGISTRAR, UNIVERSITY OFFICE, THIRUVANANTHAPURAM.

3. **THE VICE CHANCELLOR,**
   UNIVERSITY OF KERALA, THIRUVANANTHAPURAM.

4. **THE PRINCIPAL,**
   MEDICAL COLLEGE, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.A.J.VARGHESE
R2 & R3 ADV. SRI.M.RAJAGOPALAN NAIR, SC

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 23/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

S.SIRI JAGAN,J

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R.P.No.1030 of 2007

in

W.P.(C).No.29837/2006

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Dated this the 23rd day of November, 2007

ORDER

This is an application to review my judgment dated 4.4.2007. Although it is not necessary to review my judgment, in view of certain facts and circumstances which have come to light in Contempt Case(C) No.1074/2007, filed by the petitioner, I feel that some clarifications of my judgment are necessary in this case.

2. By the judgment dated 4.4.2007 I recorded the statement of the counsel for the University that results can be published on the production by the petitioner the Course Completion Certificate as per Clause 6(b) of the "Duration of Course and Attendance Requirement for PG Course in the Faculty of Medicine" (Order No.Acad.A.III/3/35 10/02 dated 26.11.2006) and directing the University to publish the results of the petitioner on his producing the Course Completion Certificate as contemplated by Clause 6(b) of the above said order. Pursuant there to the petitioner produced Annexure II

Course Completion Certificate which reads as follows:

> "This is to certify that Dr.PREMA.B, was a student of M.S. General Surgery Course from 22.3.2004. Her course was completed on 21.3.2007 with the following percentage of attendance in each year.
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> I year - 99%
> II year - 100%
> III year - 99%
>
> This certificate is issued on request to produce before the Controller of Examinations, University of Kerala, Thiruvananthapuram."

3. In spite of the same the University has not published results of the petitioner. It is under the above circumstances that Contempt Case(C) No.1074/2007 has been filed. The University originally took the stand that the petitioner cannot write the examination before completion of the Course and since Annexure II shows that the course has been completed after the exam, she is not entitled to have the results published. Now they contend that since the petitioner did not have the sufficient attendance and the deficiency in attendance was more than within the condonable limit, her results cannot be published. I am of the opinion that the University cannot take that stand now

since they have categorically admitted before me that the results of the petitioner can be published on production of the Course Completion Certificate in accordance with Clause 6(b) of Annexure IV in the review petition which has been recorded by me in my judgment. Now the only dispute which can be entertained is as to whether in accordance with Rule 6(b) the petitioner's results can be declared. Clause 6 reads as under:

> "a. They would require 80% attendance in the 1st year from the date of joining of the particular candidate in concern. The first year of the course is reckoned as 365 days from the date of joining by the individual candidate. If at the time of registering for the University examination he has a deficit of attendance upto 73 days, he is eligible to appear for the examination.
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> b. However, the duration of the course for the individual candidate will be calculated with reference to the actual date of joining of the course of each candidate. University results will be declared only after successful completion of the course and on producing a course completion certificate from the Head of the Institution- which is timed at 36 months in the case of P.G. Degree and 24 months in the case of P.G. Diplomas, including the period spent for University Examinations."
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> c. At the time of collecting the hall tickets, each candidate is required to furnish an undertaking to the effect that he is agreeable to the publication of results only after the successful completion of the course and production of the course completion certificate from the head of the institution."

4. The University in their counter affidavit has admitted that during earlier years, in the case of three students namely Sri. Sreelal.S., Smt. Sobha Jasmine. S., Sri. Ujjmal Singh Trivedi, they have taken the examination prior to completion of Course and their results have been published. A reading of Clauses b and c of Clause 6 of Annexure IV, would make it is abundantly clear that it was in the contemplation of the University also that students would be permitted to take the examination before completion of the Course subject to the condition that their results would be published only on production of course completion certificate. In view of the above I am satisfied that Annexure II Course Completion Certificate is perfectly in accordance with Clause 6(b) of Annexure IV, Duration of Course and Attendance Requirement for PG Course in the Faculty of Medicine(Order No.Acad.A.III/3/35 10/02 dated 26.11.2006). That being so, the University cannot now raise any objection regarding publication of the petitioner's results. My judgment dated 4.4.2007 is clarified as above and the university

is directed to take appropriate action accordingly, within a period of two weeks from the date of receipt of a copy of this order.

The review petition is disposed of as above.

S.SIRI JAGAN, JUDGE

dvs